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November 22, 2022

VIA ECF

The Honorable John G. Koeltl
United States District Judge
United States District Court – S.D.N.Y.
500 Pearl Street
New York, New York 10007

**Re: City of Almaty, Kazakhstan, et ano. v. Mukhtar Ablyazov, et al.,
No. 1:15-cv-05345 (JGK) (KHP)**

Dear Judge Koeltl:

We represent Triadou SPV S.A. (“Triadou”) in the above-captioned matter and write to request limited relief relating to the Court’s November 11, 2022 Order permitting Triadou to depose BTA’s new corporate representative and Kairat Sadykov before they are examined at trial. (ECF 1632 at 17-18). Triadou learned today, November 22, that BTA intends to make available BTA’s representative this Saturday, November 26, and Mr. Sadykov this Sunday, November 27. BTA’s proposed schedule is both unworkable and highly prejudicial to Triadou, and Triadou therefore requests the Court order that it may conduct the depositions the weekend of December 3-4, 2022—i.e., the weekend after trial begins.

Initially, the Court ordered on November 11, 2022 that Triadou was permitted to depose both BTA’s corporate representative and Mr. Sadykov concerning topics beyond those witnesses’ deposition testimony—which topics BTA was required to identify by November 18, 2022. (ECF 1632 at 17-18). On November 18, BTA provided a list of 13 broad topics relating to Mr. Sadykov and 13 broad topics relating to its corporate representative. Even before BTA provided that list, Triadou’s counsel had expressed that it expected to depose these witnesses.

After reviewing BTA’s order of proposed witnesses (which BTA submitted last night, on November 21), Triadou learned that BTA intends to present its new corporate representative and Mr. Sadykov early in its case as two of the first three witnesses, potentially within the first two days of trial. Triadou requested the witnesses’ availability for deposition, and BTA gave Triadou the “option” to depose these witnesses on the Saturday and Sunday immediately following Thanksgiving, the weekend before the start of trial on Tuesday, November 29.

BTA’s proposed schedule is highly prejudicial. As a practical matter, Triadou may have difficulty securing a court reporter and a Russian translator on short notice, over Thanksgiving weekend, to conduct the depositions. But even if it can secure the necessary logistics, given the press of trial preparation required in advance of presenting opening remarks to the jury and the need to cross-examine these witnesses, BTA’s proposed timeline is untenable. BTA will not be prejudiced if these depositions occur later since the Bank has many other witnesses it can call

BLANKROME

The Honorable John G. Koeltl
November 22, 2022
Page 2

before Mr. Sadykov and its corporate representative; indeed, BTA's order of witnesses list sets out a total of 33 witnesses.

Counsel for Triadou contacted counsel for BTA to discuss these concerns and Triadou's request to move the depositions. We informed BTA's counsel that we intended to file this letter and could not wait for a response given the proximity to the Thanksgiving holiday and the need to put this issue before the Court (along with the urgency to make arrangements for the depositions themselves if needed).

Consequently, Triadou requests that the Court order BTA to make these witnesses available for deposition during the weekend after trial begins (December 3-4), after the parties have made their opening remarks and with enough time for Triadou to secure a court reporter and translator.

Thank you for your consideration.

Respectfully submitted,

/s/ Deborah A. Skakel
Deborah A. Skakel